

REMARKS

Applicants respectfully request reconsideration of the instant application in view of the amendments, herein, and the following remarks:

The following claims are *pending*: 1-13, 15-19, 23, 34, 45 and 47.

The following claims are *independent*: 1 and 47.

The following claims have previously been *cancelled* without prejudice or disclaimer: 14, 20-22, 24-33, and 46.

Please *amend* claims 1 and 47; although these claims have been amended herein to provide clarification, correct typographical inaccuracies and/or informalities, and/or to better track practical/commercial implementations/practices (hereinafter “amendment,” “amendments,” and/or “amended”), Applicants submit that the originally filed claims are patentable and reserves the right to pursue the originally filed claims (as well as any claims dependent therefrom) at a later time and/or in one or more continuation/divisional application(s). Applicants submit that these new claims and/or claim amendments are supported throughout the originally filed specification and that no new matter has been added by way of these amendments.

Claim Rejections - 35 U.S.C. § 101

The Office Action has rejected claims 1-13, 15-19, 23, 34, 45 and 47 under 35 U.S.C. § 101 as allegedly directed to non-statutory subject matter. Applicants respectfully traverse this

rejection. Applicant submit that there is no test for non-statutory subject matter that subjectively precludes the aforementioned claims. MPEP § 2106, Section IV, states “claims directed to nothing more than abstract ideas (such as mathematical algorithms), natural phenomena, and laws of nature are not eligible for patent protection.” MPEP § 2106 also discusses “[w]hile abstract ideas, natural phenomena, and laws of nature are not eligible for patenting, methods and products employing abstract ideas, natural phenomena, and laws of nature to perform a real-world function may well be.” Applicant submit that the elements recited in the claims are, in fact, directed to statutory subject matter and do not fall within the recognized Judicial Exceptions as merely abstract ideas (such as mathematical algorithms), natural phenomena, and/or laws of nature.

Although Applicants respectfully traverse the Examiner’s rejection and reserves the right to argue patentability of the claims in their original form at a later time, Applicants have amended independent claims 1 and 47. Claims 1 and 47 recite, *inter alia*, “A processor-implemented method, comprising: ... displaying via a processor ... providing, via the processor, ... dynamically changing, via the processor,” As such, Applicants submit claims 1 and 47 (and as a consequence, claims depending therefrom) are transformative and/or specific structures directed to statutory subject matter for at least the reasons discussed above.

Should the Examiner maintain the rejection, Applicants respectfully request that the Examiner provide specific explanations describing how claims 1-13, 15-19, 23, 34, 45 and 47 are allegedly directed to non-statutory subject matter. Accordingly, Applicants submit that

claims 1-13,15-19, 23, 34, 45 and 47 are directed to statutory subject matter, and respectfully request reconsideration and withdrawal of the rejection(s) and allowance of claim(s).

Claim Rejections - 35 U.S.C. § 103

The Office Action rejected claims 1-13,15-19, 23, 34, 45 and 47 under 35 U.S.C. § 103(a), allegedly, as being unpatentable over Guheen et al, U.S. Patent No. 6,721,713 (hereinafter “Guheen”), in view of Feibush et al, U.S. Publication No. 2002/0158918 (hereinafter “Feibush”), and in further view of Rebane, U.S. Patent No. 6,078,904 (hereinafter “Rebane”).

Requirements to Establish Prima Facie Obviousness

The Supreme Court in *Graham v. John Deere Co. of Kansas City* prescribed that a *prima facie* showing of obviousness under 35 U.S.C. § 103 requires that, “the obviousness or nonobviousness of the subject matter [be] determined,” and details further requirements, commonly referred to as “Graham factors,” which include that “[1] the scope and content of the prior art [be] determined, [2] differences between the prior art and the claims at issue [be] ascertained, and [3] the level of ordinary skill in the pertinent art [be] resolved.” *Graham*, 383 U.S. at 1, 17 (1966). To comply with the Graham factors, as introduced in

Graham and reaffirmed in *KSR Intern. Co. v. Teleflex Inc.*¹, MPEP § 706.02(j) prescribes that a rejection under 35 U.S.C. § 103 should set forth:

- (A) the relevant teachings of the prior art relied upon, preferably with reference to the relevant column or page number(s) and line number(s) where appropriate;
- (B) the difference or differences in the claim over the applied reference(s);
- (C) the proposed modification of the applied reference(s) to arrive at the claimed subject matter; and
- (D) an explanation as to why the claimed invention would have been obvious to one of ordinary skill in the art at the time the invention was made.

The MPEP prescribes that, “when evaluating the scope of a claim, *every limitation in the claim must be considered*,” (§ 2106 II(C), emphasis added) and, “*All words in a claim must be considered in judging the patentability of that claim against the prior art.*” (§ 2143.03, emphasis added). Applicants submit that the pending rejection has failed to consider “every limitation in the claim” and “[a]ll words in [the] claim” in judging the patentability of the claim against the prior art by mischaracterizing claim elements and/or over-generalizing the applied reference(s). As with this Office Action, when the Examiner mischaracterizes and/or provides references that are missing claimed elements, then the Examiner has failed to fulfill MPEP § 706.02(j) requirements (A) and (B), and as a consequence, has failed to establish a *prima facie* case of obviousness. 35 U.S.C. § 103.

¹ The “[Graham] factors continue to define the inquiry.” 550 U.S. 398 (2007).

Missing Claim Element(s)

Applicants submit the cited references (taken alone or in combination) do **not** discuss, do **not** render obvious, and are in fact missing at least the following element(s) as recited, *inter alia*, independent claim(s) 1 and 47:

A processor-implemented method , comprising:

...

dynamically analyzing, via the processor, in coordination with said alteration mechanism, selected information types;

dynamically changing, via the processor, using said alteration mechanism, a displayed information type to a newly chosen information type;

displaying, simultaneously, via the processor, based on the dynamic analysis, said newly chosen information type associated with said first corporate entity information type and said second corporate entity information type, each in separate display panels in the graphical user interface, wherein the separate display panels facilitate a comparison regarding said first corporate entity and said second corporate entity information types; [and]

generating, via the processor, at least one pattern between the first and the second corporate entity information types based on the comparison and the dynamic analysis;

...

The Office Action asserts the previously pending claims are shown in Feibush (Figure 5-7, pages 1-4 and Figures 5-7, ¶30-33) and alleges:

Feibush et al. discloses **graphically providing an indication of a strength of the relationship and dynamically changing, using said alteration mechanism, a displayed information type to a newly chosen information type ([Figures 5-7] [pages 1-4]); displaying, simultaneously, said newly chosen information type associated with said first corporate entity information type and said second corporate entity information type, each in separate display panels in the graphical user interface, wherein the separate display panels facilitate a comparison regarding said first corporate entity and said second corporate entity information types ([Figures 4-7] [1030-33]).** (Emphasis original)

Applicants disagree and respectfully traverse the Examiner's characterization of the cited references as applied to the previously pending claims and submit the references do not discuss or render obvious the claims as amended.

With regard to the Examiner's response to Applicants' arguments, Applicants maintain their position that the Examiner's cited portions of Rebane, column 12 lines 39-59, discuss retrieving short lists of investor assets used by a user to evaluate risk and do not show, at least, "determining at least one pattern between said first and said second corporate entity information types based on the comparison," as recited in previously pending claims 1 and 47. However, without so conceding, to help progress prosecution and further clarify the invention, Applicants have amended claims 1 and 47 to include, "**generating**, via the processor, at least one pattern between the first and the second corporate entity information types based on the comparison and the dynamic analysis." As stated in the Office Action response filed, December 9, 2009, having provided a "short list" of "investment asset[s]" for risk evaluation, Rebane does not discuss any type of comparison in retrieving the "short list" or "covariance matrix." Nor does Rebane discuss "generating...at least one pattern... ." As such, Applicants submit Rebane's short list and covariance matrix are different from the claimed, "generating, via the processor, at least one pattern between the first and the second corporate entity information types based on the comparison and the dynamic analysis," as recited in independent claims 1 and 47.

Should the Examiner maintain the rejection, Applicants respectfully request that the Examiner provide specific citations and explanations describing how each and every element

of the pending claims are allegedly rendered obvious by the cited reference, providing indications of specific, alleged correspondences between claim elements and cited portions of the applied reference; more specifically, Applicants respectfully request additional clarification as to how and specifically why the Examiner believes retrieving short lists, described in Rebane is allegedly analogous to and/or render obvious "generating, via the processor, at least one pattern between the first and the second corporate entity information types based on the comparison," as recited in independent claim 1 and 47.

Similarly, Applicants submit that Guheen's identification of business alliances fails to remedy the deficiencies identified above in Rebane and Feibush with regard to independent claim(s) 1 and 47. For at least the reasons discussed above, Applicants submit that the pending rejection has mischaracterized the language of the claim element(s) and/or the applied reference(s) and, thus, has not established a *prima facie* case of obviousness. Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection(s) and allowance of claim(s).

Although of different scope than independent claims 1 and 47, Applicants submit claims 2-13,15-19, 23, 34, and 45 (and as a consequence any claims depending therefrom) are all patentable over the cited references (taken alone or in combination) for at least similar reasons as discussed above when identifying deficiencies in the Office Action's application of Guheen with regard to independent claim 1 and 47. Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection(s) and allowance of claim(s).

CONCLUSION

Applicants assert that the above remarks, which distinguish the claims over the cited reference(s), pertained only to noted claim element portions. These remarks are believed to be sufficient to overcome the prior art to this Office Action (and/or any previous office action(s)) (hereinafter "Office Action(s)"). While many other claim elements and/or bases for rejection were not discussed, as they have been rendered moot based on the above amendments and/or remarks, Applicants assert that all such remaining and not discussed claim elements and/or bases for rejection, all, also are distinguished over the prior art, and Applicants reserve the opportunity to more particularly traverse, remark and/or distinguish over any such remaining claim elements and/or bases for rejection at a later time, should it become necessary. Further, any remarks that were made in response to the Office Action(s)' objection and/or rejection as to any one claim element, and which may have been re-asserted as applying to other Office Action(s) objection(s) and/or rejection(s) as to any other claim element(s), any such re-assertion(s) of remarks are not meant to imply that there is commonality about the structure, functionality, means, operation, and/or scope of any of the claim element(s), and no such commonality is admitted as a consequence of any such re-assertion(s) of remarks. Consequently, the reference(s) cited the Office Action(s) do not result in the claimed invention(s), there was/is no motivation, basis and/or rationale for such a combination of references (i.e., cited references do not teach, read on, suggest, or result in the claimed invention(s)), and the claimed invention(s) are not admitted to be prior art. Also, Applicants do not accept, admit, and/or concede to any assertions, (mis)characterizations (e.g., of claims, references, and/or otherwise), and/or Official Notice(s) in the Office

Action(s). As such, Applicants do not concede that any claim element(s) have been anticipated and/or rendered obvious by any of the cited reference(s) and/or any Official Notice in the Office Action(s). Thus, the Applicants respectfully submit that the supporting remarks and claimed inventions, claims 1-13, 15-19, 23, 34, 45 and 47, all: overcome all rejections and/or objections as noted in the Office Action(s), are patentable over and discriminated from the cited reference(s), and are in a condition for allowance. Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection(s) and/or objection(s), and allowance of all claims.

Authorization

Applicants hereby authorize and request that the Commissioner charge any additional fees that may be required for consideration of this and/or any accompanying and/or necessary papers to Deposit Account No. 03-1240, Order No. 17209-333. In the event that an extension of time is required (or which may be required in addition to that requested in a petition for an extension of time), Applicants request that the Commissioner grant a petition for an extension of time required to make this response timely, and, Applicants hereby authorize and requests that the Commissioner charge any fee or credit any overpayment for such an extension of time to Deposit Account No. 03-1240, Order No. 17209-333.

In the event that a telephone conference would facilitate examination of the application in any way, Applicants invite the Examiner to contact the undersigned at the number provided.

Respectfully submitted,
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